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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James H. Jannard  
Appl. No. : 09/771,433  
Filed : November 13, 2000  
For : CONTOURED METAL  
EYEGLOSS FRAMES  
Examiner : H. MAI

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(Date)

  
Vito A. Canuso III, Reg. No. 35,471

RESPONSE TO OFFICE ACTION

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Applicant hereby responds to the Office Action mailed March 27, 2002. Claims 1 through 33 are pending in the present Application.

IN THE CLAIMS:

Please cancel Claims 1-26.

REMARKS

In the Office Action of March 27<sup>th</sup>, the Examiner rejected Claims 1-26 under the judicially created doctrine of obviousness-type double patenting, relying upon U.S. Patent Nos. 6,056,399 and 5,708,489. The Examiner allowed Claims 27-33. Because Claims 27-33 are not subject to the double patenting rejection, Applicant has canceled Claims 1-26 in the present application and will file a continuation application so that an appropriate terminal disclaimer can be filed with respect to those same Claims 1-26. For that reason, Applicant respectfully requests that the Examiner pass

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